

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: N.E. Morrow et al. Attorney Docket No.: KMOR116839
Application No.: 09/761,340 Group Art Unit: 3728
Filed: January 16, 2001 Examiner: J.T. Kavanaugh
Title: STEP-IN SNOWBOARD BINDING AND BOOT THEREFOR

DECLARATION OF ANTHONY DEROCO

Seattle, Washington 98101

December 9, 2002

TO THE COMMISSIONER FOR PATENTS:

I, Anthony O. DeRocco, declare as follows:

1. I have been employed with K-2 Corporation for 14 years. I have designed boots for skiing and snowboarding for 7 years. I am familiar with the state of the art pertaining to boots made for skiing and snowboarding. I am familiar with the term "forward lean system." I understand the meaning of a forward lean system as that term is routinely applied to boots made for skiing and snowboarding. I am capable of identifying boots with a forward lean system and boots without a forward lean system.

2. I have read U.S. Patent Application No. 09/761,340 and the independent Claims 57, 65, 97, 99, 100, 101, and 102, as presently amended, by any amendment filed subsequent to the filing date of the application or to be filed together with this paper. Every one of Claims 57, 65, 97, 99, 100, 101, and 102 has a forward lean system as an element of the claim. A forward lean system is described in the application No. 09/761,340.

3. I have been provided with copies of and have read U.S. Patent Nos. 5,060,403, issued to Battistella et al.; 4,360,979, issued to Spademan; and 4,969,278, issued to Ottieri. None of these patents has a forward lean system as a component of the boots described in these patents.

4. I further declare that all statements made herein of my knowledge and that all statements made on information and belief are believed to be true; and further, that the statements were made of the knowledge that willful false statements and the likes so made are punishable by fine or imprisonment, or both under Section 1001 of Title XVIII of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Date: 1/3/03



Anthony O. DeRocco

LXC: mk/tm

KMOR\11839A\ML.DOC

- 2 -